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JUN 30 2006

OFFICE OF PETITIONS

In re Application of :
Fisher et al. : DECISION ON PETITION
Application No. 09/706,849 :
Filed: November 7, 2000 :
Atty Docket No. 2043.086US2 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181 filed February 16, 2006.

The petition under § 1.181 is GRANTED.

The above-identified application became abandoned for failure to
file a timely and proper reply to the non-final Office action
mailed July 18, 2005. This Office action set a shortened
statutory period for reply of three (3) months, with extensions
of time obtainable under § 1.136(a). No reply considered filed
and no extension of time considered obtained, the application
became abandoned effective October 19, 2005. A courtesy Notice
of Abandonment was mailed on January 30, 2006.

Petitioner states that a response to the Office action on
January 18, 2006, with a certificate of mailing reflecting the
same. In support thereof, petitioner submits a copy of those
papers including the extension of time as maintained to have
been timely filed and a copy of the USPTO date-stamped postcard.

Petitioner's evidence has been reviewed, and is persuasive.
However, consideration of their evidence is unnecessary. Their
response, including an extension of time, is present in the
application with a date of receipt of January 23, 2006.

Further, a review of the response and extension of time reveals they include a properly signed and dated certificate of mailing dated January 18, 2006. The three-month extension of time, required to make the response timely, was previously charged to petitioner's Deposit Account.

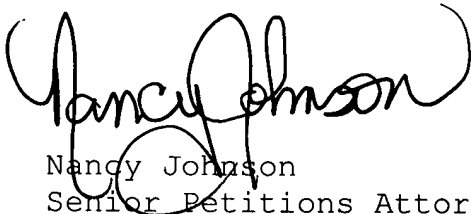
Accordingly, the Notice of Abandonment mailed January 30, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3624 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response shown to have been timely filed on January 23, 2006 (with a certificate of mailing dated January 18, 2006).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions